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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-195791

DATE: March 31, 1980

MATTER OF: Midshipman Peter Salerno, SROTC, and
Midshipman Murray A. Hess, SROTC

DIGEST: Senior Reserve Officers' Training
Corps (SROTC) members appointed
under 10 U.S.C. 2104 (1976) incurred
expenses for lodging and meals when
they were required, through no fault
of their own, to delay en route to
and from field training or practice
cruises at locations where no Govern-
ment berthing or messing facilities
were available. SROTC members
appointed under 10 U.S.C. 2104 may
not be paid per diem but are en-
titled to subsistence at Govern-
ment expense. Because the SROTC
members were traveling under proper
orders and due to a delay en route
were required to secure commercial
lodging and meals (the arrangements
for which were made by U.S. Naval
Attaches), reimbursement for actual
and necessary expenses is authorized.

DLG04286

Claim for Reimbursement

The issue presented in this case is whether the Joint Travel Regulations, Volume 1, may be amended to authorize reimbursement to members of the Senior Reserve Officers' Training Corps (SROTC) appointed under 10 U.S.C. 2104 for expenses incurred for meals and lodging when they are required through no fault of their own to delay en route to and from field training and cruises at locations where no Government berthing or messing facilities are available. Although no authority exists for payment of per diem to such members, they may be reimbursed for actual and necessary expenses as an administrative expense.

The issue arises upon a request from the Assistant Secretary of the Army (Manpower and Reserve Affairs). As examples, the claims of two SROTC midshipmen, Peter Salerno and Murray A. Hess are presented.

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In our decision 53 Comp. Gen. 957 (1974), we determined that members of the SROTC serving under the provisions of 10 U.S.C. 2104 (1976) may not receive the same per diem allowances while on field or at sea training as cadets and midshipmen appointed under 10 U.S.C. 2107 because no per diem is provided by statute for them.

The statutes have remained the same since our decision in 53 Comp. Gen. 957. In the absence of legislation specifically providing otherwise we must continue to hold that members of the SROTC appointed under 10 U.S.C. 2104 are not entitled to be paid per diem while on field or sea training. Therefore, the Joint Travel Regulations may not be amended to authorize per diem to cover expenses incurred by SROTC members appointed under 10 U.S.C. 2104 for lodging and meals.

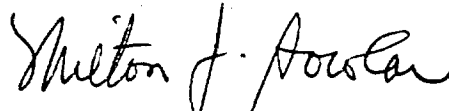
In the present case the SROTC members were unavoidably delayed in Italy and Belgium while they were traveling in connection with a foreign exchange summer training program in which one was to serve with the Italian Navy and the other with the Belgian Navy. Apparently these were their practice cruises authorized under 10 U.S.C. 2109 (1976). As a result of the delays, they incurred hotel bills in Rome and Brussels, respectively. The hotel reservations were made by the United States Naval Attaches in Rome and Brussels.

Members of the SROTC traveling to and from practice cruises, pursuant to 10 U.S.C. 2109, are to be furnished transportation and subsistence, or instead, a travel allowance at a rate prescribed for cadets and midshipmen at the service academies but not per diem as determined in 53 Comp. Gen. 957. Generally such members are furnished transportation and subsistence in kind, that is Government transportation or Government procured transportation, and Government quarters and meals.

In this case the members were delayed en route through no fault of their own. No Government quarters or messing facilities were available for them where their delays en route occurred. Since the Navy made the arrangements for their hotel rooms, the rooms may be treated as

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being furnished by the Government, and reimbursement made to the two members for actual and necessary expenses. Accordingly, the vouchers presented are returned and may be paid. The Joint Travel Regulations may be amended consistent with this decision.

A handwritten signature in cursive script, reading "Milton J. Fowler".

For the Comptroller General
of the United States